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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,124	09/10/2004	Holger Blum	KIRS.0013	8900
Reed Smith Suite 1400 3110 Fairview Park Drive Falls Church, VA 22042	7590 02/26/2008		EXAMINER RONESI, VICKEY M	
			ART UNIT 1796	PAPER NUMBER
			MAIL DATE 02/26/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/507,124	<b>Applicant(s)</b> BLUM, HOLGER	
	<b>Examiner</b> Vickey Ronesi	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☒ Claim(s) 1 and 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. All outstanding objections and rejections, except for those maintained below, are withdrawn in light of applicant's amendment filed on 12/27/2007.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.
3. The new grounds of rejection set forth below are necessitated by applicant's amendment filed on 12/27/2007. In particular, claims have been amended to introduce new formal issues that need to be addressed. Thus, the following action is properly made final.

### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: support is not given for claims 4-6 which recites the ranges of amounts of 0.4-4 % Component A, 0.2-2 % Component B, and 0.5-5 % for Components A and B are not disclosed in the specification.

The disclosure is objected to because of the following informalities: the formulae I and II contain R groups with subscripted numbers. This is incorrect because it suggests that there are multiple R groups. Rather, the numbers represent a specific R group and the numbers should be superscripted. For instance,  $R_1$  should be  $R^1$ .

5. The abstract of the disclosure is objected to because the formulae I and II contain R groups with subscripted numbers. This is incorrect because it suggests that there are multiple R

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groups. Rather, the numbers represent a specific R group and the numbers should be superscripted. For instance,  $R_1$  should be  $R^1$ . Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

6. Claims 1 and 4-6 are objected to because:

With respect to claims 1 and 4-6, the formulae I and II contain R groups with subscripted numbers. This is incorrect because it suggests that there are multiple R groups. Rather, the numbers represent a specific R group and the numbers should be superscripted. For instance,  $R_1$  should be  $R^1$ .

With respect to claim 1, the claim is to an aldehyde resin binder and yet the body of the claim suggests that it is to the paint or paint base. It is suggested that the phrase “An aldehyde resin for a” at the start of the claim be deleted so that the claim is to the paint or paint base and not inconsistent with the body of the claim. To be consistent with amended claim 1, claim 2 should be amended to start as “The paint or paint base of claim 1”.

With respect to claim 1, 6<sup>th</sup> to last line, the phrase “in the above formula” should be deleted because it is not immediately clear that the formula is formula (II).

With respect to claims 4-6,  $R^1$ ,  $R^2$ , and  $R^3$  must be defined in each independent claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 4-6, the term “the paint or paint base composition” lacks antecedent basis.

With respect to claim 6, the terms “said aluminium”, “said monoalkoxy”, and “said aldehyde resin” lack antecedent basis.

***Claim Rejections - 35 USC § 103***

8. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa et al (US 6,284,433).

The rejection is adequately set forth in paragraph 6 of Office action mailed on 9/27/2007 and is incorporated here by reference. Note that claim 6 does not include the use of fibers which are not taught by Ichikawa et al.

***Allowable Subject Matter***

9. Claims 1 and 2 are allowed.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

The following is a statement of reasons for the indication of allowable subject matter:

Ichikawa et al discloses a heat-sensitive layer comprising 1-200 parts by weight (pbw) of metal-containing organic compounds including mixtures of aluminum compounds such as aluminum di-sec-butoxide ethylacetoacetate and titanium compounds such as isopropyltri(dioctyl phosphate) titanate; and 100 pbw hydroxyl group-containing compounds such as phenolformaldehyde novolak resins (col. 8, lines 20-51); and pigments (col. 3, lines 44-65). Ichikawa et al fails to disclose or suggest the use of fibers as a reinforcing agent in the composition.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Ronesi whose telephone number is (571) 272-2701. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/12/2008  
Vickey Ronesi

/V. R./  
Examiner, Art Unit 1796

/VASUDEVAN S. JAGANNATHAN/  
Supervisory Patent Examiner, Art Unit 1796